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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 19.10.2006.

Joginder Singh .... Appellant.

vs

Mangat Ram .....Respondent.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.N.S.Sodhi,Advocate,for the appellant.
Mr.Ashok Aneja,Advocate,for the caveator-respondent.

Kiran Anand Lall, J.

The appellant was defendant before the trial court which passed a decree for specific performance of contract against him, in a suit filed by the respondent. He challenged the verdict in appeal but the first appellate court also did not find him entitled to any relief and upheld the judgment and decree of the trial court.

The defendant-appellant, thereafter, filed a regular second appeal, before this court.

Both the courts have found,after duly appreciating the evidence on record, that the appellant had executed agreement dated 8.4.2002, Ex.P1, for sale of the suit property, in favour of the respondent,and he had received a sum of Rs.2,75,000/- as earnest money, out of the sale consideration of Rs.3,38,625/-, at that time. They further found that the respondent had always been ready and willing to perform his part of the contract, and therefore, the suit for possession of the land by way of specific performance of the agreement, Ex.P1, was decreed in favour of the respondent and against the appellant subject to payment of remaining sale consideration of Rs.63,625/-, besides the expenses of registration. It was also found that the appellant had failed to substantiate his plea that his thumb impressions on

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the sale agreement had been obtained on blank-papers, and that, too, in the police station.

No question of law, much less a substantial one, arises for determination, in this appeal. The concurrent findings of fact, referred to above, recorded by the trial court and the first appellate court are based on cogent and convincing evidence, appearing on record.

In view of the above, no interference in the concurrent verdict of the two courts regarding decretal of suit in favour of the respondent and against the appellant is called for,at the hands of this court. The appeal shall, therefore, stand dismissed, in limine.

19.10.2006. (Kiran Anand Lall)
vs. Judge.